

REMARKS

Reconsideration and withdrawal of the rejection set forth in the above-mentioned Official Action in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 1-3 and 5-9 remain pending in the application, with Claims 1 and 5 being independent. Claim 6 has been amended.

Claims 1-3, 5-9 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,736,995 (Bohorquez et al.). This rejection is respectfully traversed.

As discussed previously, in Bohorquez et al. depending on whether the measured temperature of the print head substrate is below a reference temperature, heating, non-printing pulses as well as printing pulses are delivered to the ink firing resistors. The Office Action suggests that in Bohorquez et al. “only the head that is set by said recording mode setting circuit to be not used (Column 3, line 8 i.e., print element heater)” is heated. However, a print element heater cannot be considered a head, as recited in the claims, because each head is recited as having plurality of heating means to eject ink. One of ordinary skill in the art would not construe a single heating element, or even a number of heating elements that coincidentally would not be used for recording in a recording operation, to be a head. Moreover, in describing Figures 4A-4C, Bohorquez et al. does not suggest that any particular firing chamber resistor could be distinguished as being or not

being used for recording in a recording operation. The resistor exemplified in the figures includes pulses for both printing and heating and thus cannot be construed as a head that is not to be used for recording all the way through a recording operation.

Accordingly, Bohorquez et al. fails to disclose or suggest control means for heating not causing ejection, if the obtained temperature of the printing head is in a predetermined range, only a head that is set to be not be used for recording to adjust the temperature of the head to be used for recording utilizing heat conduction, as is recited in independent Claim 1. Nor does Bohorquez et al. disclose or suggest control means for heating not causing ejection, if an obtained temperature of the printing head is in a predetermined range, only a head that is discriminated to be not used before a head discriminated to be used for recording starts a recording operation, to adjust the temperature of the head to be used utilizing heat conduction, as is recited in independent Claim 5.

Thus, Bohorquez et al. fails to disclose or suggest important features of the present invention recited in independent Claims 1 and 5.

Bohorquez et al. also fails to disclose or suggest important features further recited in the dependent claims. For example, although Bohorquez et al. does discuss color inkjet printers that employ a plurality of color printheads, a substrate in Figure 3 does not represent more than one printhead. Dependent Claim 7 recites that the plurality of heads eject ink of different colors. In combination with the other features of Claim 1 for defining

a head, Bohorquez et al. fails to disclose or suggest this additional feature. Moreover, Bohorquez et al. cannot be said to disclose or suggest the features of dependent Claim 8, wherein if the temperature is lower than a predetermined temperature, all of the heads are heated not to eject ink, and if the temperature is higher than a predetermined temperature, the head that is set to be used for recording is stopped being heated and only the head that is set to not be used for recording is continued to be heated. In Bohorquez et al. all the elements are used to heat the substrate and all the elements are applied with heating and/or printing pulses until the printhead substrate temperature reaches the reference temperature. Individual consideration of the dependent claims is respectfully requested.

This Amendment After Final Rejection does not raise new issues, is an earnest attempt to advance prosecution and reduce the number of issues, and is believed to clearly place this application in condition for allowance. This Amendment was not earlier presented because Applicants earnestly believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of this Amendment under 37 CFR 1.116 is respectfully requested.

For the foregoing reasons, Applicant respectfully submits that the present invention is in condition for allowance. Favorable reconsideration, withdrawal of the rejection set forth in the above-noted Office Action, and an early Notice of Allowability are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Mark A. Williamson/

Mark A. Williamson
Attorney for Applicants
Registration No. 33,628

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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